

CSD 1181 [07/01/18]

Name, Address, Telephone No. & I.D. No.

Roberta S. Robinson (SBN 99035)
 Kirby & McGuinn, A P.C.
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 San Diego, Ca. 92101
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 Attorneys for L. Ackerman, Trustee

UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 325 West F Street, San Diego, California 92101-6991

In Re
 HYPERIKON, INC.

BANKRUPTCY NO. 21-01776-LT- 7

Tax I.D.(EIN)#: _____ /S.S.#:XXX-XX-____ Debtor .

NOTICE OF HEARING AND MOTION

TO THE DEBTOR, ALL CREDITORS AND OTHER PARTIES IN INTEREST:

You are hereby notified that on November 10, 2022, at 10:30 a .m., in Department 3, Room 129 of the Jacob Weinberger United States Courthouse, located at 325 West F Street, San Diego, California 92101-6991, there will be a hearing regarding the Motion of Kirby & McGuinn, A P.C. (Counsel for *, for [check the appropriate box]:

Trustee), Baker Tilly US, LLP (Accountant for Trustee), and

- ☐ Dismissal of a chapter 7, 11 or 12 case;
- ☐ Conversion of a chapter 7, 11 or 12 case by a party other than the debtor;
- ☒ Allowance of [interim] [final] compensation or reimbursement of expenses of professionals as provided in Exhibit "A" [information required by FRBP 2002(c)(2)];
- ☐ Appointment of a trustee in a chapter 11 case; or
- ☐ Other [specify the nature of the matter]:

If not required to be attached, a set of the moving papers will be provided, upon request, by the undersigned or may be inspected at the office of the Clerk.

Any opposition or other response to the motion must be served upon the undersigned and the original and one copy of such papers with proof of service must be filed with the Clerk of the U.S. Bankruptcy Court at 325 West F St., San Diego, California 92101-6991, **not later than fourteen (14)¹ days from the date of service.**

Kirby & McGuinn, A P.C.

DATED: October 13, 2022

/s/ Roberta S. Robinson

 [Attorney for] Moving Party

By: Roberta S. Robinson

¹Depending on how you were served, you may have additional time for response. See FRBP 9006.

CERTIFICATE OF SERVICE

I, the undersigned whose address appears below, certify:

That I am, and at all relevant times was, more than 18 years of age;

That on the 13th day of October 2022, I served a true copy of the within NOTICE OF MOTION AND HEARING on the following persons by the mode of service shown below:

*Also serving First and Final Fee Application of Kirby & McGuinn, A P.C., General Counsel to the Chapter 7 Trustee

1. To Be Served by the Court via Notice of Electronic Filing ("NEF"):

Under controlling Local Bankruptcy Rules(s) ("LBR"), the document(s) listed above will be served by the court via NEF and hyperlink to the document. On 10/13/22, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the e-mail address(es) indicated and/or as checked below:



Attorney for Debtor (or Debtor), if required:

David A. Warfield

Thompson Coburn LLP

Email: dwarfield@thompsoncoburn.com

Jeffrey N Brown

Thompson Coburn LLP

Email: jbrown@thompsoncoburn.com

Additional ECF Service List below



Chapter 7 Trustee: Leonard J. Ackerman ljabkatty@gmail.com, lja@trustesolutions.net



For Chpt. 7, 11, & 12 cases:

UNITED STATES TRUSTEE
ustp.region15@usdoj.gov



For ODD numbered Chapter 13 cases:

THOMAS H. BILLINGSLEA, JR., TRUSTEE
Billingslea@thb.coxatwork.com



For EVEN numbered Chapter 13 cases:

DAVID L. SKELTON, TRUSTEE
admin@ch13.sdcoxmail.com
dskelton13@ecf.epiqsystems.com

2. Served by United States Mail:

On 10/13/22, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing accurate copies in a sealed envelope in the United States Mail via 1) first class, postage prepaid or 2) certified mail with receipt number, addressed as follows:



Attorney for Debtor (or Debtor), if required:

*See Supplemental Proof of Service

*Additional ECF Service List:

Jonathan Boustani jboustani@btlaw.com

Shawn Christianson schristianson@buchalter.com, cmcintire@buchalter.com

Haeji Hong Haeji.Hong@usdoj.gov, USTP.Region15@usdoj.gov, tiffany.l.carroll@usdoj.gov

Jacqueline L. James jjames@coxcastle.com

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3. **Served by Personal Delivery, Facsimile Transmission, Overnight Delivery, or Electronic Mail:**

Under Fed.R.Civ.P.5 and controlling LBR, on _____, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission, by overnight delivery and/or electronic mail as follows:

☐ Attorney for Debtor (or Debtor), if required:

I declare under penalty of perjury under the laws of the United States of America that the statements made in this proof of service are true and correct.

Executed on 10/13/22
(Date)

Jacquelyn Wilson /s/ Jacquelyn Wilson
(Typed Name and Signature)

707 Broadway, Suite 1750
(Address)

San Diego, CA 92101
(City, State, ZIP Code)

APPLICANT Kirby & McGuinn, A.P.C., REPRESENTING [Name & Title] Attorneys for Leonard J. Ackerman, Trustee

	FEES REQUESTED	FEES ALLOWED	FEES AUTHORIZED FOR PAYMENT	FEES HELD BACK	FEES DISALLOWED ¹	COSTS REQUESTED	COSTS AWARDED
FINAL 4/30/21 to 10/1/22	147,107.00					4,369.85	0.00
2ND INTERIM to							
3RD INTERIM to							
4TH INTERIM to							
TOTALS:	147,107.00	0.00	0.00	0.00	0.00	4,369.85	0.00

Plus an "up to " award not to exceed \$500 to Kirby & McGuinn, for fees and costs incurred after the dates covered by this application

APPLICANT Baker Tilly US, LLP, REPRESENTING [Name & Title] Accountant for Trustee

	FEES REQUESTED	FEES ALLOWED	FEES AUTHORIZED FOR PAYMENT	FEES HELD BACK	FEES DISALLOWED ²	COSTS REQUESTED	COSTS AWARDED
1ST INTERIM 7-29-21 to 9-30-22	98,893.50					32.20	
2ND INTERIM to							
3RD INTERIM to							
4TH INTERIM to							
TOTALS:	98,893.50	0.00	0.00	0.00	0.00	32.20	0.00

Plus an "up to " award not to exceed \$10,000 to Baker & Tilly, for fees and costs incurred after the dates covered by this application.

Please provide an explanation for this disallowance.

²Please provide an explanation for this disallowance.